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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
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| 10/792,067 | 03/03/2004 | Robert P. Julius | NPP 3.0-014 | 4206 | |
| 530 | 7590 01/29/2007 VID LITTENBERG | | EXAM | EXAMINER BOLLINGER, DAVID H | |
| LERNER, DAVID, LITTENBERG KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090 | & MENTLIK | | BOLLINGE | | |
| | • | | ART UNIT | PAPER NUMBER | |
| | , | | 3653 | <u> </u> | |
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| | | , | MAIL DATE | DELIVERY MODE | |
| • | | · | 01/29/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | |
|--------------------|-------------------|--|
| 10/792,067 | JULIUS, ROBERT P. | |
| Examiner | Art Unit | |
| David H. Bollinger | 3653 | |
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| The MalLING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 22 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. So The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within to make the period for reply expires on: (1) the mailing date of the final rejection. b) □ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expires the than SIX MONTHS for the mailing date of the final rejection. Examiner Note; If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT HE FIRNAL REJECTION. See MEPE 760 07(0). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final difference in charge it of the date for proposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final difference in charge it of the inal rejection, even it timely filed may reduce any earned patient term adjustment. See 37 CFR 1.704(b). The NOTICE OF APPEAL 2. So The Notice of Appeal was filed on 22 January 20 | • | | 1 | | | | | | |
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| 1 Sine reply was filled after a final rejection, but prior to or on the same day as filling a Notice of Appeal. To avoid abandonment of this application, application and triefly file one of the following replies: (1) an amendment, affator, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following lime periods. a) Simple periods for reply expires £ months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires 18 fer than SIX MONTHS from the mailing date of the final rejection. Examiner Note: I box 1 is checked, check either box (a) or (b). ONLY-OHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706 (71). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee water 37 CFR 1.136(a) in the appropriate extension fee water 37 CFR 1.136(a) in the proper service of the Office later than three months after the mailing date of the final rejection, even if timely filed, may rectioue any earned patent furm adjustment. See 37 CFR 1.176(b). NOTICE OF APTEAL. 2 The Notice of Appeal was filed on 22 January 2007. A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal as been filed, any reply must be filed within the time period sorth in 37 CFR 41.37(a). 3 The proposed amendments (s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration | The MAILING DATE of this communication appears on the cover sheet with the correspondence address | | | | | | | | |
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| non-allowable claim(s). 7. | 5. Applicant's reply has overcome the following rejection(s) | : | , | | | | | | |
| 7. \(\subseteq \) For purposes of appeal, the proposed amendment(s): a) \(\subseteq \) will not be entered, or b) \(\subseteq \) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 66-82. Claim(s) objected to: Claim(s) rejected: 1,3-19.22,24-45 and 49-65 as per the Final Rejection. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. \(\subseteq \) The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. \(\subseteq \) The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. \(\subseteq \) The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. | | lowable if submitted in a separate, | timely filed amendme | nt canceling the | | | | | |
| Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. | 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 66-82. | | | | | | | | |
| AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. | Claim(s) rejected: <u>1,3-19,22,24-45 and 49-65 as per the Final Rejection</u> . | | | | | | | | |
| 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. | | · | | | | | | | |
| 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. | 8. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and | | | | | | | | |
| entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. | , , , | | | | | | | | |
| | entered because the affidavit or other evidence failed to one showing a good and sufficient reasons why it is necessary | overcome <u>all</u> rejections under appear y and was not earlier presented. S | al and/or appellant fai ee 37 CFR 41.33(d)(1 | ls to provide a 1). | | | | | |
| NEROLOT FOR RECONSIDERATION/OTHER | 10. ☐ The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER | n of the status of the claims after e | ntry is below or attach | ıed. | | | | | |
| 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: | | t does NOT place the application in | n condition for allowar | nce because: | | | | | |
| 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) | | (PTO/SB/08) Paper No(s) | Λ· | | | | | | |
| David H Bollinger Primary Examiner 4 7 4 | | J. | David H Bollinger | Solling | | | | | |

Primary Examiner 1/26/07
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Continuation of 3. NOTE: The amendment to claims 1, 3-19, 43-45, 49-55 changing the invention from a dispenser to a holder for a wet wipe dispenser raise new issues that would require further consideration and/or search. The amendment to claim 1 and 22 to require the predetermined angle be a positive angel raise new issues that would require further consideration and/or search. Finally, the addition of new claims 83-89 also raise new issues that would require further consideration and/or search.